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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 KEVIN STUBBS, et al.,

12 Defendants.

Case No. 2:13-cr-0381-APG-CWH

**ORDER ACCEPTING MAGISTRATE
JUDGE'S FINDING AND
RECOMMENDATION ON MOTION TO
SUPPRESS**

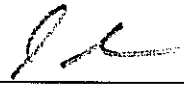
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14 On December 12, 2013, defendant Kevin Stubbs filed a motion [Dkt. #34] to suppress
15 evidence seized during the underlying vehicle search, which allegedly was conducted in violation
16 of the Fourth Amendment. Magistrate Judge Hoffman conducted an evidentiary hearing on
17 January 31, 2014. On February 27, 2014, Judge Hoffman entered his Finding and
18 Recommendation [Dkt. #64], recommending that Mr. Stubbs' motion be denied. Pursuant to
19 Local Rule IB 3-2, any objection to Judge Hoffman's Finding and Recommendation was to be
20 filed within fourteen (14) days thereafter. No objection has been filed.

21 The Supreme Court has held that the courts of appeal may determine that an appeal has
22 been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474
23 U.S. 140, 142 (1985). This circuit likewise has held that the (1) failure to file objections within
24 the specified time and (2) failure to properly address and brief the objectionable issues waives the
25 right to appeal the District Court's order and/or appeal factual issues from the order of the District
26 Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*
27 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).
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1 The court has reviewed Judge Hoffman's Finding and Recommendation and related
2 papers. The only necessary change to that document is the addition of the words "no" and "the"
3 on page 5 at line 1, such that the complete sentence should read: "He confirmed that Kevin
4 Stubbs indicated he had no knowledge regarding the status of the vehicle as embezzled or stolen."
5 [See Dkt. #64 at 4:23-5:1.] Good cause appearing,

6 **IT IS HEREBY ORDERED** that Judge Hoffman's Finding and Recommendation is
7 accepted and approved as modified in the paragraph above. Mr. Stubbs' Motion to Suppress
8 [Dkt. #34] is hereby denied.

9 Dated: March 19, 2014.

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12 ANDREW P. GORDON
13 UNITED STATES DISTRICT JUDGE
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